

Message Text

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ACTION EA-09

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INFO USLO PEKING

AMCONSUL HONG KONG

C O N F I D E N T I A L CANBERRA 7566

FOR EA/PRCM

E.O. 11652: GDS

TAGS: CVI, PFOR, CH, US, JMOCN

SUBJECT: SINO-AUSTRALIAN REUNIFICATION OF FAMILIES AGREEMENT

REF: STATE 256328

1. ON OCTOBER 18, EMBOFFS MET WITH RAKESHABUJA, FORMER AUSTRALIAN CONSUL IN PEKING; BROWN AND POTTER OF DFA'S CHINA DESK; AND MESSRS. METCALF AND MACPHERSON, FROM THE AUSTRALIAN DEPARTMENT OF IMMIGRATION, FOR BRIEFING ON BACKGROUND AND CONTENT OF THE FAMILY REUNIFICATION AGREEMENT.

2. RAKESHABUJA MADE THE FOLLOWING COMMENTS ON THE ATMOSPHERE AND STYLE OF THE NEGOTIATIONS. GENERALLY GOA WAS NEGOTIATING ON A DETAILED AGREEMENT WITH THE PRC FOR THE FIRST TIME AND AS A RESULT THEY ENCOUNTERED MANY UNEXPECTED PITFALLS AND DIFFICULTIES.

3. THE FIRST HURDLE WAS OVERCOME WHEN THE CHINESE BECAME COMMITTED IN PRINCIPLE TO AN AGREEMENT ON THE REUNIFICATION OF FAMILIES. HAVING AGREED TO THAT THE CHINESE WERE CONTENT TO LET MATTERS REST AND OBVIOUSLY HOPED THAT THE GOA WOULD NOT PRESS FOR A FORMAL AGREEMENT.

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4. THE NEGOTIATIONS DIVIDED INTO THREE PHASES. FROM

APRIL 1975 UNTIL OCTOBER 1975 NEGOTIATIONS GOT NOWHERE BECAUSE THE CHINESE INSISTED THAT THE AUSTRALIANS APPROVE EMIGRATION FROM CHINA TO AUSTRALIA IN PRINCIPLE PRIOR TO DETAILING SPECIFIC PROCEDURES OUTLINING HOW THIS WAS TO BE ACCOMPLISHED. THIS EFFECTIVELY KEPT ANYTHING FROM HAPPENING AS THE CHINESE SIMPLY REFUSED TO COME TO THE TABLE. THE AUSTRALIANS FELT THIS WAS A PLOY ON THE PART OF THE CHINESE TO GET THE GOA TO ACCEPT THEIR POSITION. RAKESHAHUJA NOTED THAT ANY FOREIGN NEGOTIATOR IS ON THE DEFENSIVE IN PEKING AS THE ONUS IS ON THE FOREIGN NEGOTIATOR TO PRESENT SOMETHING NEW BEFORE AN APPOINTMENT CAN BE MADE WITH A CHINESE OFFICIAL. IF YOU DON'T INDICATE THAT YOU HAVE SOMETHING NEW TO DISCUSS PRIOR TO AN APPOINTMENT YOU MAY NOT GET AN APPOINTMENT FOR WEEKS. RAKESHAHUJA THOUGHT THAT NEGOTIATIONS WOULD PROBABLY BE EVEN MORE DIFFICULT AWAY FROM PEKING SINCE ONE WOULD HAVE TO COPE WITH BOTH THE CHINESE BUREAUCRACY BACK IN PEKING AND THE BUREAUCRACY OF A CHINESE EMBASSY.

5. DURING THE SECOND PHASE OF THE NEGOTIATIONS, OCTOBER 75 TO MARCH 76, SOME PROGRESS WAS MADE. RAKESHAHUJA FELT THAT THE CHINESE HAD CONCLUDED THAT BOTH THEY AND THE AUSTRALIANS WANTED SOMETHING SPECIFIC TO HAPPEN DURING PRIME MINISTER FRASER'S JUNE '76 VISIT AND AS A RESULT, PROGRESS WAS REASONABLE. JUST BEFORE THE PRIME MINISTER ARRIVED IN PEKING, AGREEMENT HAD BEEN REACHED ON MOST POINTS. THEN THE CHINESE CAME IN WITH A WRITTEN DRAFT AGREEMENT WHICH DID NOT REFLECT THE PROGRESS ON SPECIFIC POINTS WHICH HAD BEEN REACHED OVER THE PREVIOUS SEVERAL MONTHS. IN FACT, THE TEXT THE CHINESE TABLED WENT RIGHT BACK TO THE INITIAL CHINESE POSITION OF JULY 1975. AT THIS POINT, THE AUSTRALIANS GOT TOUGH IN THE NED KELLY TRADITION. TWO DAYS LATER THE CHINESE CAME BACK WITH A MORE REALISTIC TEXT.

6. THE AUSTRALIANS BELIEVE THAT THE CHINESE FOREIGN MINISTRY MAY HAVE GOTTEN OUT IN FRONT OF THE REST OF THE CHINESE BUREAUCRACY IN NEGOTIATIONS DURING THIS PERIOD AND THAT THE SUDDEN REVERSION TO THE 1975 CHINESE POSITION REFLECTED THIS. THEY OBSERVED THAT THE CHINESE BUREAUCRACY SEEMS TO BE RELATIVELY UNCOORDINATED AND THAT POWER SHIFTS

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AND STRUGGLES WITHIN THE BUREAUCRACY MAY HAVE HAD AN EFFECT ON THE NEGOTIATIONS. ON THE OTHER HAND, IT MAY HAVE SIMPLY BEEN A CHINESE PLOY TO SEE HOW ANXIOUS THE GOA WAS TO GET AN AGREEMENT ON ANY TERMS.

7. THE FINAL PHASE OF THE NEGOTIATIONS, MARCH TO OCTOBER 76 WERE RELATIVELY BRISK AND BUSINESSLIKE. ALL IN ALL, ABOUT 150 HOURS OF NEGOTIATIONS TOOK PLACE SINCE JUNE '75.

8. ONE INTERESTING NOTE WAS THAT THE CHINESE EMBASSY IN CANBERRA PLAYED NO ROLE AT ALL IN THE NEGOTIATIONS. AT ONE POINT HALF-WAY THROUGH THE NEGOTIATIONS, CHINESE EMBASSY STAFFERS ASKED DFA HOW THE TALKS WERE GOING, BUT DFA BELIEVES THE CHINESE EMBASSY HERE DOESN'T EVEN KNOW THAT THE AGREEMENT HAS BEEN SIGNED. RESPONSES TO SPECIFIC QUESTIONS POSED IN REFTEL ARE OUTLINED BELOW.

9. Q. HOW MANY PEOPLE DO THE AUSTRALIANS EXPECT TO PROCESS?

A. ABOUT 100 FOR IMMIGRATION PURPOSES AND 200 OR 300 VISITORS EACH YEAR.

10. Q. WILL EACH APPLICANT BE INTERVIEWED AND WHERE?

A. EACH APPLICANT WILL BE INTERVIEWED EITHER IN THE AUSTRALIAN EMBASSY IN PEKING OR IN A RENTED HOTEL ROOM IN CANTON.

11. Q. IS AUSTRALIA COMMITTED TO TAKE ANY NUMBER OR CATEGORY OF RELATIVES?

A. NO - IT SHOULD BE POINTED OUT THAT AUSTRALIA HAS GENERAL RULES PERMITTING CERTAIN CATEGORIES OF RELATIVES LIVING ABROAD TO BE REUNITED WITH FAMILIES WHICH ARE PERMANENT RESIDENTS IN AUSTRALIA. THEY EXPECT TO APPLY THESE GENERAL RULES FOR THE REUNIFICATION OF CHINESE FAMILIES AS WELL AS FOR OTHER NATIONALITIES.

12. Q. WILL MEDICALS BE REQUIRED AND IF SO, HOW WILL THEY BE HANDLED?

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A. MEDICALS WILL BE REQUIRED FOR THOSE CHINESE CLEARED FOR PERMANENT RESIDENCE IN AUSTRALIA. ONCE AN APPLICANT HAS BEEN APPROVED BY BOTH SIDES, THE CHINESE WILL ARRANGE FOR THE REQUIRED MEDICAL EXAMINATION AND FORWARD THE RESULTS TO THE AUSTRALIANS. THE CHINESE WERE VAGUE ABOUT ANY FOLLOW-UP EXAMINATION. AT ONE POINT IN THE NEGOTIATIONS THEY SAID ONCE WE GIVE YOU SAY AN X-RAY, THAT'S IT. THE AUSTRALIANS BELIEVE THE CHINESE ARE BECOMING SOMEWHAT MORE FLEXIBLE ABOUT DOING FOLLOW-UP EXAMINATIONS IF THE AUSTRALIANS REQUIRE THEM IN SPECIFIC CASES.

13. Q. WILL THE APPLICANT GET A PASSPORT AND EXIT PERMIT BEFORE APPLYING FOR AN IMMIGRANT VISA OR ONLY AFTER

THE VISA IS APPROVED?

A. THE AUSTRALIANS DON'T KNOW BUT ASSUME BOTH WILL BE ISSUED AFTER A PERSON HAS BEEN APPROVED BY BOTH SIDES. THIS MEANS THAT THE AUSTRALIANS WILL SEE ONLY THOSE PEOPLE THE CHINESE WANT THEM TO SEE; HOWEVER, THE GOA WILL KNOW IN EVERY CASE WHEN AN APPLICATION HAS BEEN MADE BY AN AUSTRALIAN FAMILY UNDER THE SCHEME.

14. Q. ARE THE APPLICANTS LIKELY TO BE CONCENTRATED IN KWANGTUNG OR SCATTERED THROUGHOUT THE COUNTRY?

A. MOST APPLICANTS WILL BE FROM KWANGTUNG AND FUKIEN SINCE MOST AUSTRALIAN-CHINESE ORIGINALLY CAME FROM THESE AREAS.

15. DFA OFFICIALS ARE MOST INTERESTED IN COMPARING NOTES WITH DEPARTMENT OFFICIALS ON NEGOTIATING WITH THE CHINESE. RAKESH AHUJA IS PREPARING A LONG MEMORANDUM ON THIS NEGOTIATION WHICH HE WILL PASS TO US. DFA ALSO SUGGESTS THAT EA/PRCM MIGHT WISH TO DISCUSS THE NEGOTIATIONS WITH ARGALL AT THE AUSTRALIAN EMBASSY IN WASHINGTON AS HE WAS STATIONED IN PEKING WHEN THE NEGOTIATIONS BEGAN.

16. TEXT OF AGREEMENT FOLLOWS BY SEPTTEL.
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